

**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 9, “Complaint, Investigation, and Resolution Procedures,” Iowa Administrative Code.

Iowa Code section 68B.32A(9) directs the Board to “establish and impose penalties, and recommendations for punishment” for persons who violate a law or rule under the Board’s jurisdiction. The amendments permit the Board to resolve certain violations by imposing a civil penalty as opposed to initiating the full contested case process. The person subject to the imposition of a civil penalty would still be able to request a contested case proceeding to challenge the determination and would still be able to seek judicial review of a Board action.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 3, 2009, as **ARC 7810B**. No oral or written comments on the amendments were received. The amendments are identical to those published under Notice.

The Board adopted these amendments on July 8, 2009.

These amendments are intended to implement Iowa Code sections 68B.32A(9) and 68B.32D.

These amendments will become effective on September 2, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 9.4(2) as follows:

**9.4(2) *Administrative resolution.*** Violations may be handled by administrative resolution rather than through the full investigative and contested case proceeding process. The board may order administrative resolution by directing that the person take specified remedial action. The board may also order administrative resolution by issuing a letter of reprimand or by imposing a civil penalty as set out in subrule 9.4(7).

ITEM 2. Adopt the following **new** subrule 9.4(7):

**9.4(7) *Civil penalty for violation.*** If the board determines that probable cause exists to believe that a violation of any statute or rule under its jurisdiction has occurred, except for a late-filed disclosure report, the board may order administrative resolution of the violation by imposing a civil penalty not to exceed \$500. A person assessed a civil penalty may appeal the decision by requesting within 30 days of the date of the correspondence informing the person of the board’s decision a contested case proceeding to be held under the process set out in subrule 9.4(4).

[Filed 7/9/09, effective 9/2/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/29/09.